REMARKS

The present amendment is in response to the Office Action, dated March 11, 2002, where the Examiner has rejected claims 1 and 4-52. By the present amendment, claims 1, 4, 20, 31 and 42 have been amended, and a new claim 53 has been added. After the present amendment, claims 1 and 4-53 are pending in the application.

A.   Rejection of Claims 23-27, 34-38 and 45-49 under 35 USC § 112, ¶ 2

The Examiner has rejected claims 23-27, 34-38 and 45-49 under 35 USC § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because the terms "a of receive register; and a of transmit register" are unclear. In response, applicants have amended claims 23, 34 and 45 to correct a typographical mistake by deleting the word "of" appearing after the word "a" in claims 23, 34 and 45. It is respectfully submitted that the Examiner's rejection has been overcome.

B.   Rejection of Claims 1 and 4-52 under 35 USC § 102(b)

The Examiner has rejected claims 1 and 4-52 under 35 USC § 102(b) as being anticipated by Gorniak et al (US 4,817,147) (hereinafter "Gorniak"). Applicants respectfully disagree.

Applicants note that FIGs. 1 and 4 of Gorniak describe two different designs, wherein both designs utilize hardware means to distinguish between command information and data information.

With respect to Figure 1 of Gorniak, applicants note that connector 28 includes two distinct and separate physical ports, wherein the first port is used for communication of data information and the second port is used for transferring command information. Similarly, cable 22 connecting connector 28 to RS232C ports 24 and 26 would also include wires to support two separate RS232C ports 24 and 26. Gorniak describes Figure 1 as follows:

> The intelligent synchronous modem 20 of the system invention has a connector 28 which includes a first port for a primary communication channel for communication of synchronous data, and a second port for a

secondary communication channel for communication of command data. The port of the primary channel preferably consists of the standard configuration of connector pins used on most modems of the art. The port of the secondary channel preferably consists of the secondary pins of the RS232 connector which are known as the secondary RS232 EIA signals. (Col. 3, lines 51-61.) (emphasis added.)

As aforementioned, the modem invention 20 includes a connector 28, such as an RS232 connector for receiving primary and secondary data communication channels. The connector 28 can be thought of as having two ports 30 and 32, each port connecting to a receive line and a transmit line in the Y cable. (Col. 4, line 65 - Col. 5, line 2.) (emphasis added.)

Accordingly, connector 28 includes two sets of physical pins, wherein the first set of physical pins is used for synchronous data and the second set of physical pins is used for asynchronous data.

Turning to Figure 4 of Gorniak, connector 128 includes a set of primary pins and the SEC RTS pin 19, which is used to indicate whether the data on the primary pins is coming from the asynchronous port of the computer or the synchronous port of the computer. Gorniak describes Figure 4, in part, as follows:

> [T]he computer 115 sends and receives asynchronous data from an asynchronous port and synchronous data from a synchronous port by funneling the data into the primary pins of connector 125. In addition to the primary pins, the SEC RTS pin 19 is used to provide information as to whether the data being supplied is coming from the asynchronous port of computer 115 or the synchronous port. The data, including the pin 19 information are then sent to modem 120 over cable 122. (Col. 8, lines 57-66.) (emphasis added.)

> Again, for purposes of understanding, the synchronous and asynchronous ports of the modem 120 can be thought of as being more internal to the modem 120 than the connector 128. When data is sent by computer 115 to modem 120, the connector 128 of the modem 120 acts as a switch to channel the data to the synchronous port or to the asynchronous port depending on the information received regarding pin 19. Thus, in effect, the SEC RTS pin 19 is used as a control mechanism to multiplex asynchronous control data and synchronous data mode data over the primary RS232 channel, where the asynchronous data sent from the asynchronous port is "command mode" data intended for use by the modem itself, while the synchronous data sent from the synchronous port is "data mode" data intended for communication with a remote computer. (Col. 9, lines 1-16.) (emphasis added.)

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As shown, Gorniak describes a traditional method of using physical means to distinguish between modem commands and data. As described above, Gorniak discloses using two sets of pins in Figure 1, or using pin 19 to distinguish the type of data on the primary pins in Figure 4.

Applicants have amended claims 1, 4, 20, 31 and 42 to clarify that hardware means, such as additional pin(s), is not used to distinguish between the type of information received or transmitted. In contrast, information is transmitted/received via logical channels defined by the information type. For example, according to FIG. 4 of Gorniak, pin 19 must be toggled to indicate whether the information is data or command, or based on FIG. 1 of Gorniak, which set of pins the information appears on indicates whether such information is data or command. According to the pending claims, however, information includes a type, which defines a logical channel. If the information type is a command type, such information is communicated via a logical channel defined as a command logical channel. Whereas, if the information type is a data type, such information is communicated via a logical channel defined as a data logical channel. For example, claim 20 has been amended to read, in part: "wherein said command information includes a command type defining said logical command channel, and said data information includes a data type defining said logical data channel." Other independent claims 1, 4, 31 and 42 include similar limitations. Accordingly, unlike Gorniak, the pending claims do not require hardware means to distinguish between data and command information, but logical channels are defined and used for each type of information.

Applicants further note that the Examiner has summarily rejected claims 24-27, stating that "Gorniak discloses a personal computer receives the command and data information via line 22." However, for example, unlike claim 24, as stated above, information received by Gorniak modem does not include an "information type" (as recited by claim 24), but hardware means is

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used to distinguish command and data information. Accordingly, applicants respectfully submit

that amendments to claims 1, 4, 20, 31 and 44 do not raise any new issue.

C.   Conclusion

For all the foregoing reasons, an early allowance and issuance of claims 1 and 4-53

pending in the present application is respectfully requested. The Examiner is invited to contact

the undersigned for any questions.

Respectfully submitted,
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Date: 3/28/02

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